

DOCKET NO.: **BU-0126
Application No.: 10/609,433
Office Action Dated: August 7, 2007

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

REMARKS

Claims 1-2, 8-16, and 19-23 are pending. Claims 3-5 are canceled herewith.

In an Official Action dated Aug. 7, 2007, all claims were rejected under 35 U.S.C. § 103. The claims are amended to improve readability and clarity, and the rejections are respectfully traversed.

Power of Attorney

On July 22, 2005, Applicants submitted an Assignee Power of Attorney, including a change of correspondence address and designating all of the attorneys associated with Customer Number 23377 as attorneys of record. To date, the Power of Attorney has not been properly accepted. Applicants respectfully request that all of the attorneys associated with Customer Number 23377 be made attorney of record, and that all future correspondence pertaining to this application be mailed to the address associated with Customer Number 23377. In particular, Applicants respectfully request that the Examiner ensure that PAIR is updated appropriately so that Applicants' representative is able to access the electronic records.

Rejection of Claims 1-5, 8-16, and 19-23 Under 35 U.S.C. § 103

Claims 1-5, 8-16, and 19-23 were rejected under 35 U.S.C. § 103 as allegedly obvious over U.S. Pat. 7,043,558 (Yoshida) in view of U.S. App. 2004/0024941 (Olarig), U.S. Pat. 6,986,018 (O'Rourke) and U.S. Pat 6,587,921 (Chui). Applicants traverse the rejections for at least two reasons.

First, the combination of references does not teach or suggest:

notifying, by the adaptable cache, at least one requesting application that the adaptable cache can accept future requests for said select media assets.

...as recited in claim 1, similar aspects being found in independent claims 13, 22, and 23.

Second, the combination of references does not teach or suggest:

said adaptable cache comprising ... core logic configured to dynamically alter its operating characteristics by modification of a caching rule to account for asset request frequency...

...as recited in claim 1, similar aspects being found in independent claims 13, 22, and 23.

Starting with the first of the claim elements above, the element provides that the adaptable cache notifies "at least one requesting application that the adaptable cache can

accept future requests for said select media assets.” This aspect of Applicants’ claims is not taught by Yoshida as alleged in the Official Action.

In contrast, Yoshida discloses a variety of functions that are performed by a variety of different units, e.g., a cache checking unit, a file streaming delivering unit, and a cache file storing unit (as reflected in the text cited on pages 2 and 3 of the Official Action). Yoshida does not disclose that these various functions are performed by an adaptable cache as defined in Applicants’ claims.

Furthermore, Yoshida does not disclose the aspect that the adaptable cache notifies “at least one requesting application that the adaptable cache can accept future requests for said select media assets.” The Official Action alleges that Yoshida implicitly teaches this aspect of the claim by actually delivering a requested asset to a client. While actual delivery as disclosed in Yoshida arguably serves to notify the client that the *entire system* of Yoshida is in possession of an asset, this is not equivalent to notifying a client that an *adaptable cache* subcomponent can accept future requests for an asset.

The Official Action further alleges that Chui explicitly teaches notification of “at least one requesting application that the adaptable cache can accept future requests for said select media assets.” However, a “host” as disclosed in Chui is not an application, as provided in Applicants’ claims, but rather refers to a unit of hardware. See, e.g., Chui Fig. 1. Also, the language cited from Chui on page 3 of the Official Action refers to notifying a host that data may be read, in the context of responding to a request for data that initially could not be read. Therefore, the cited text from Chui is directed to responding to a *previous* request, not notifying an application that the adaptable cache can accept *future* requests, as recited in the claim.

Turning now to Applicants’ second reason for traversing the outstanding rejections, the above recited claim element recites “said adaptable cache comprising ... core logic configured to dynamically alter its operating characteristics by modification of a caching rule to account for asset request frequency without disconnecting said adaptable cache from the media server.” This aspect of Applicants’ claims is not taught by Yoshida as alleged in the Official Action.

The Official Action appears to allege on pages 5 and 6 that any of Yoshida’s access frequency checking unit, band dynamically controlling unit, or communication rate

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dynamically setting unit teach this aspect of Applicants' claims. However, each of these disclosed aspects of Yoshida falls short on closer analysis. In short, none of these disclosed aspects of Yoshida modifies a caching rule as recited in Applicants' claims.

For example, Yoshida's access frequency checking unit counts delivery requests, and "can deal with the reduction of the frequency of access to the media file as time passes," as recited in the Official Action, page 6. However, nothing in this language suggests that Yoshida's dealing with the reduction of the frequency is through modification of a caching rule. For example, such situation might be dealt with by simply removing an item from a cache, without changing any caching rule.

Yoshida's band dynamically controlling unit and communication rate dynamically setting unit also fall short of disclosing this aspect of Applicants' claims. The band dynamically controlling unit "dynamically determines a transmission rate" while the communication rate dynamically setting unit "dynamically sets a communication rate used for receiving the requested information data file by the file receiving unit." Nothing in this language from Yoshida teaches or suggests modifying a caching rule as that term is used in Applicants specification and claims.

The other references of record fail to cure the deficiency of Yoshida. The various dependent claims each define over the references of record for the same reason. Applicants respectfully request withdrawal of the rejections and allowance of the application.

Date: Oct. 31, 2007

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